

REMARKS

Status of the Claims

Claims 6-11 were previously presented for examination and were rejected. In this response, claims 6-11 have been canceled, and new claims 12-20 have been added. Support for claims 12-20 may be found throughout the specification as filed, for example, at paragraphs [0028], [0032], [0036] and [0037]. Thus, no new matter has been introduced by way of this amendment. Upon entry of the amendment, claims 12-20 will be pending. Entry of the amendment and reconsideration in view of the following comments is respectfully requested.

With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Objection to the Specification

The specification was objected to because page 5, paragraph [0031] contained an embedded hyperlink directed to an Internet address. In response, Applicants have amended paragraph [0031] on page 5 to delete the embedded hyperlink. Accordingly, this objection may now be withdrawn.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 10-11 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is alleged that the meaning of the term “medicament treatment” in claim 11 is unclear, and no specific steps are recited in use claims 10 and 11.

Applicants have canceled claims 10 and 11, thereby rendering moot all comments directed to these claims. Since the newly presented method claims 12 and 13 recite specific steps, it is respectfully submitted that this basis for rejection may be withdrawn.

Rejection under 35 U.S.C. § 112, First Paragraph, Enablement

Claims 6-11 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The allegedly claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants have canceled claims 6-11, thereby rendering moot all comments directed to these claims. Since the newly presented method claims 12-20 do not recite the XC1950 gene and uses therefor, it is respectfully submitted that this basis for rejection may also be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 6-9 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by da Silva *et al.* (Accession No. AB012323 (2002), Applicant's IDS). Additionally, claims 6 and 10-11 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cao *et al.* (US 20030233675-A1, priority date 02/2002).

As explained above, Applicants have canceled claims 6-11, thereby rendering moot all comments directed to these claims. Since the newly presented method claims 12-20 do not recite the XC1950 gene and uses therefor, it is respectfully submitted that this basis for rejection may also be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **docket No. 606932000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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